



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

AF

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/748,122

12/31/2003

David Eli Wexelblat

06975-460001

1740

26171

7590

04/19/2006

FISH & RICHARDSON P.C.

P.O. BOX 1022

MINNEAPOLIS, MN 55440-1022

EXAMINER

PRIETO, BEATRIZ

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 10/748,122	Applicant(s) WEXELBLAT, DAVID ELI	
	Examiner Prieto B.	Art Unit 2142	

All participants (applicant, applicant's representative, PTO personnel):

(1) Prieto B. (Prim. Ex). (3)_____.

(2) Devoto, R. (Reg. No. 55,108). (4)_____.

Date of Interview: 05 April 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 1,13,16,29,31,32 and 41.

Identification of prior art discussed: Pickup (US 2003/0212791) & Brown et. al. (US 2002/0078158).

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant contacted examiner requesting a telephonic interview and faxed required agenda/proposed amendment setting forth the claim limitations to be discussed. Applicant indicated with respect to (i) claims 1 and 16 that the limitation regarding receiving an out-of-band communication from a service provider "in response to an action by an intended communications recipient" is not seen by the applicant in the cited art; (ii) applicant indicated that claims 13 and 41 have been amended to clarify that the authorized source and the expected communication senders are different entities, which applicant indicate that this is not described or suggested in the cited art; (iii) regarding claims 29, 31 and 32 these claims have been substantially amended (as shown on proposed amendment) to further clarify the invention which features that according to applicant are not shown in the cited art. Examiner reviewed the proposed claim amendments and indicated that unfortunately, to review the proposed added limitations, read the references to determine if this are in fact distinguishable over the prior art, as what seems to be applicant is requesting would require more than a nominal amount of time which the examiner simply does not have available at this time. Regarding the limitations of claims 1 and 16, applicant's remarks can be placed in response to currently pending non-final office action for examiner's full consideration..

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


BEATRIZ PRIETO
PRIMARY EXAMINER
Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

FISH & RICHARDSON P.C.

1425 K STREET, N.W.
11TH FLOOR
WASHINGTON, DC 20005

Telephone
202 783-5070

Fax
202 783-2331

Web Site
www.fr.com

Date March 23, 2006

To Examiner Beatriz Prieto
Telephone: 571-272-3902

Facsimile number 571-273-3902

From Roberto J. Devoto, Patent Attorney, Fish & Richardson, P.C.

Re Transactional White Listing of Electronic Communications
Application S/N - 10/748,122
Our Ref.: 06975-460001

Number of pages
including this page 8

Message Examiner Prieto,

Per our last telephone call discussion, attached is the proposed interview agenda. Please let me know at your earliest convenience your thoughts as to proceeding with the Interview in accordance with the attached proposed interview agenda. Also, please note that the next response deadline is April 13, 2006. We, therefore, would like to schedule an interview prior to that date.

Best Regards,


-Rob Devoto

Reg. No, 55,108
Office: (202) 626-6393

3-23-06 Application No. 10/748,122/06975-460001 Proposed Interview Summary Agenda
For Interview with Examiner Beatriz Prieto

I. Claims 1 and 16 -

1. (Original) A method of facilitating electronic communications, the method comprising:

in response to an action by an intended communications recipient, receiving an out-of-band communication from a service provider, wherein the out-of-band communication contains information identifying an expected communications sender and the intended communications recipient, and wherein the expected communications sender sends communications to the intended communications recipient over a communication channel other than the channel through which the out-of-band communication was received;

determining whether the identifying information for the expected communications sender appears in a white-list associated with the intended communications recipient; and

adding the identifying information for the expected communications sender to the white-list associated with the intended communications recipient in response to a determination that the identifying information for the expected communications sender does not appear in the white-list associated with the intended communications recipient.

16. (Original) A method of automatically adding an e-mail address of a e-mail sender to a list of approved e-mail sender addresses associated with an intended e-mail recipient, where the e-mail address of the e-mail sender is provided by a third party service provider sending an out-of-band communication to a communications service provider associated with the intended recipient and where the out-of-band communication *is provided in response to an action by the intended e-mail recipient*, the method comprising:

receiving an out-of-band communication from a service provider over a communication channel, the out-of-band communication specifying an e-mail address of an e-mail sender and an e-mail address of an intended e-mail recipient, where the e-mail sender sends communications to the intended e-mail recipient over a communication channel other than the channel through which the out-of-band communication was received;

adding the e-mail address of the e-mail sender to a list of approved e-mail sender addresses associated with the intended e-mail recipient, whereby the intended e-mail recipient can receive e-mail from the e-mail sender; and

automatically deleting the e-mail address of the e-mail sender from the list of approved e-mail sender addresses associated with the intended e-mail recipient in response to completion of a specified end trigger.

Interview Discussion point-

We do not see the limitation that is shown above in italics in the cited art. We believe an interview would be useful to make sure we understand the Examiner's reasoning for rejecting these claims.

II. Claims 13 and 41

13. (Currently Amended) A method of automated white-listing, the method comprising:

receiving a communication from a service provider over an out-of-band communication channel, the out-of-band communication identifying an expected e-mail sender and an intended e-mail recipient and the out-of-band communication being received by a communications service provider associated with the intended e-mail recipient, where communications from the expected e-mail sender are sent over a communication channel other than the channel through which the out-of-band communication was received;

determining whether the communication service provider has a global white-list for e-mail filtering;

if the communications service provider has a global white-list, automatically adding information identifying the expected e-mail sender and a transactional identifier to the global white-list;

determining whether the intended e-mail recipient has a personal white-list for e-mail filtering; and

if the intended e-mail recipient has a personal white-list, automatically adding the information identifying the expected e-mail sender and the transactional identifier to the personal white list of the intended e-mail recipient,

wherein the service provider and the expected e-mail sender are different entities.

41. (Currently Amended) A method of facilitating electronic communications between two entities, the method comprising:

receiving, at a communications service provider associated with an intended communications recipient, an out-of-band communication from an authorized source, wherein the out-of-band communication contains information identifying an expected communications sender and the[[an]] intended communications recipient, where the expected communications sender sends communications to the intended communications recipient over a communication channel other than the channel through which the out-of-band communication was received; and

adding, based on the received out-of-band communication, the identifying information for the expected communications sender to a list of approved communications senders associated with the intended communications recipient,

wherein the authorized source and the expected communications sender are different entities.

Interview Discussion point-

We have amended to clarify that, in claim 13, the service provider and the sender are different entities. Similarly, in claim 41, we have amended to clarify that the authorized source and the expected communications sender are different entities. Given this clarification, we do not see these claims described or suggested in the cited art.

III. Claims 29, 31 and 32

29. (Currently Amended) A system for automatically configuring a white-list communications filter associated with a communications user, the system comprising:

a communications gateway configured to receive out-of-band communications from one or more authorized service providers, where the out-of-band communication is received over a communication channel and where the out-of-band communication indicates that the communications user should be permitted to receive communications from an expected communications sender over a communications channel other than the channel through which the out-of-band communication was received;

a communications filter system maintaining a white-list communications filter identifying trusted communication sources; and

means for automatically configuring the white-list communications filter based on the out-of-band communications received by the communications gateway,

wherein if the channel through which the out-of-band communication was received is a telephone channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an e-mail channel, an instant messaging channel, or an online message board channel,

wherein if the channel through which the out-of-band communication was received is an instant messaging channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an e-mail channel, a telephone channel, or an online message board channel,

wherein if the channel through which the out-of-band communication was received is an e-mail channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an instant messaging channel, a telephone channel, or an online message board channel, and

wherein if the channel through which the out-of-band communication was received is an online message board channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an instant messaging channel, an e-mail channel, or a telephone channel.

31. (Currently Amended) A method of facilitating electronic communications, the method comprising:

receiving an out-of-band communication identifying a first communications user that is expected to send communications to an identified second communications user over a communication channel other than the channel through which the out-of-band communication was received; and

based on the received out-of-band communication, configuring a white-list to temporarily permit communications from the first communications user to be received by the second communications user during a predetermined window of time, and configuring a black-

list to temporarily prevent communications from the first communications user from being blocked by the black-list,

wherein if the channel through which the out-of-band communication was received is a telephone channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an e-mail channel, an instant messaging channel, or an online message board channel,

wherein if the channel through which the out-of-band communication was received is an instant messaging channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an e-mail channel, a telephone channel, or an online message board channel,

wherein if the channel through which the out-of-band communication was received is an e-mail channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an instant messaging channel, a telephone channel, or an online message board channel, and

wherein if the channel through which the out-of-band communication was received is an online message board channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an instant messaging channel, an e-mail channel, or a telephone channel.

32. (Original) A method of transactional communications filtering, the method comprising:

receiving an out-of-band communication identifying an expected communications sender and an intended communications recipient, the out-of-band communication indicating that the expected communications sender should be permitted to send communications to the intended communications recipient for a set transactional period, where the communications are sent over a communication channel other than the channel through which the out-of-band communication was received;

if communications sent to the intended communications recipient is filtered through a global white-list, automatically adding transactional information identifying the expected communications sender to the global white-list;

if communications sent to the intended communications recipient is filtered through a global black-list that would prevent receipt of communications from the expected communications sender, automatically creating a transactional exception for the expected communications sender in the global black-list, whereby the created exception prevents the global black-list from blocking communications from the expected communications sender;

if communications sent to the intended communications recipient is filtered through a personal white-list, automatically adding transactional information identifying the expected communications sender to the personal white-list; and

if communications sent to the intended communications recipient is filtered through a personal black-list that would prevent receipt of communications from the expected communications sender, automatically creating a transactional exception for the expected communications sender in the personal black-list, whereby the created exception prevents the personal black-list from blocking communications from the expected communications sender,

wherein if the channel through which the out-of-band communication was received is a telephone channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an e-mail channel, an instant messaging channel, or an online message board channel,

wherein if the channel through which the out-of-band communication was received is an instant messaging channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an e-mail channel, a telephone channel, or an online message board channel,

wherein if the channel through which the out-of-band communication was received is an e-mail channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an instant messaging channel, a telephone channel, or an online message board channel, and

wherein if the channel through which the out-of-band communication was received is an online message board channel, the out-of-band communication indicates that the communications user should be permitted to receive communications over at least one of an instant messaging channel, an e-mail channel, or a telephone channel.

Interview Discussion Points

We have amended to provide more specificity as to the difference between the out-of-band channel and the communications channel used by the sender and recipient. We do not see these claims described or suggested in the cited art.